

VICTOR HOKE, )  
)  
Plaintiff, )  
)  
v. ) No. 4:07CV1095 CDP  
)  
GENERAL MOTORS, )  
)  
Defendant. )

This matter is before the Court for review of plaintiff's amended complaint pursuant to 28 U.S.C. § 1915(e). The Court previously reviewed plaintiff's original complaint and found that it did not comply with the pleading requirements of the Federal Rules. Upon review of the amended complaint, the Court finds that it does not comply with the Federal Rules and that it fails to state a cause of action for employment discrimination. In his amended complaint, plaintiff has failed to name any defendant in the caption as required by Rule 10, and plaintiff has failed to re-allege that he was terminated because of his race or color. However, the Court does not believe that plaintiff intentionally abandoned his allegations that he was discriminated against based on his race and color.

In the interests of justice, the Court will allow plaintiff to file a second amended complaint that includes all of his claims for relief and that names in the caption each and

every party he intends to bring suit against. Plaintiff is warned that the second amended complaint will be the only complaint that the Court will review. Plaintiff shall have twenty (20) days to file his second amended complaint. Failure to timely file a second amended complaint will result in the dismissal of this case.

To aid plaintiff, the Court will order the Clerk to mail to plaintiff a copy of the Court-provided Employment Discrimination Complaint.


Accordingly,

**IT IS HEREBY ORDERED** that plaintiff shall file an appropriate second amended complaint no later than twenty (20) days from the date of this Memorandum and Order.

**IT IS FURTHER ORDERED** that if plaintiff fails to timely file a second amended complaint, this action shall be dismissed without prejudice.

**IT IS FURTHER ORDERED** that the Clerk shall mail to plaintiff, along with a copy of this Order, a copy of the Court-provided Employment Discrimination Complaint.

Dated this 20th day of July, 2007.

  
\_\_\_\_\_  
CATHERINE D. PERRY  
UNITED STATES DISTRICT JUDGE